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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,830	08/30/2001	Johannes Wilhelmus Maria Sonnemans	ACH2823US	9198

7590

06/28/2005

Louis A. Morris
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Dobbs Ferry, NY 10522

EXAMINER

NGUYEN, TAM M

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,830

Applicant(s)

SONNEMANS ET AL.

Examiner

Tam M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-12 and 18-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,7-12 and 18-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-12 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka et al. (6,251,263) in view of either Takahashi et al. (4,845,068), Takahashi (EP-0357295 A2), or Takahashi (EP-289211 A1).

Hatanaka discloses a hydrodesulfurization process by contacting a hydrocarbon feedstock having a boiling point of from 220-380° C with a catalyst in reaction zones. The reaction zones are operated at a temperature of from 320 to 420° C, at a pressure of from 5 to 15 MPa (50 to 150 bar), at an LHSV of 0.5 to 3h⁻¹, and at a hydrogen/oil ratio of from 1000 to 5000 scfb. Hatanaka also discloses that the feedstock comprises alkyl-benzothiophenes and the product has a sulfur content of about 1-50 ppm (.0001 - .005 wt.%). The catalyst comprises a metal of Group VIII (e.g., Ni or Co) and Group VIB (See page; abstract; col. 4, lines 25-28, 42-56; col. 7, lines 44-45)

Hatanaka does not disclose that the feed contains 150-500 ppm of sulfur. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Hatanaka by using a feed contains the claimed amount of sulfur because it appears that a feed containing any amount of sulfur greater than 0.005 wt.% of sulfur can be used in the process. Since the process is effective to reduce sulfur to less than about 50 ppm

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(.005 wt%), it would be expected that the results would be similar when using a feed containing the claimed amount of sulfur.

Hatanaka does not disclose that the catalyst comprises sulfur-containing organic additive. However, Takahashi (all three references) disclose a hydrodesulfurization process wherein the process employs a catalyst comprising metals of group VIB, VIII, and mercaptocarboxylic acids (See abstracts of all three references). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Hatanaka adding sulfur containing additive to the catalyst as taught by Takahashi because adding a sulfur containing additive to the catalyst would enhance its activity. (See EP-0357295 A2; page 3, lines 24-25; see Takahashi'4845,068, col. 2, lines 30-36).

Claims 1, 7-12 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird et al. (5,935,420) in view of either Takahashi et al. (4,845,068), Takahashi (EP-0357295 A2), or Takahashi (EP-289211 A1).

Baird discloses a hydrodesulfurization process by contacting a hydrocarbon feedstock having a boiling point of from 117-400° C with a catalyst in reaction zones. The reaction zones are operated at a temperature of from 40 to 500° C, at a pressure of from 100 to 3,000 psig (6.7 to 207 bar), at an LHSV of 0.1 to 100 h⁻¹, and with a hydrogen treat gas rate of about 50-10,000 SCF/B. Baird also discloses that the feedstock comprises alkyl-benzothiophenes with a sulfur amount of 163 and the product has a sulfur content of less than 50 ppm. (See col. 2, line 37 through col. 3, line 42; col. 8, lines 42-51; examples 1-6)

Baird does not disclose that the catalyst comprises sulfur-containing organic additive and does not teach that the catalyst comprises Ni, or Co. However, Takahashi (all three references)

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disclose a hydrodesulfurization process wherein the process employs a catalyst comprising metals of group VIB, VIII (e.g., Ni), and mercaptocarboxylic acids (See abstracts of all three references). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Baird by using the catalyst of Takahashi because Takahashi discloses that the catalyst is less expensive, simple to prepare and shows higher activity in hydrodesulfurization (see EP-0357295 A2; page 3, lines 24-25).

Response to Arguments

The argument that the Takahashi references do not deal with ultra deep hydrodesulfurization and; therefore, one of skill in the art would not combine the process of Hatanaka with those of the Takahashi reference is not persuasive because Hatanaka teaches an ultra-deep hydrodesulfurization process wherein the final product has a sulfur content of from 0.0001 to 0.005 wt.% (1 – 50 ppm). Takahashi teaches that adding a sulfur-containing additive to the catalyst would enhance its activity. Therefore, one of skill in the art would add a sulfur-containing additive to any hydrotreating catalyst including the catalyst of Hatanaka.

The argument that the process of Hatanaka is not applied to a feedstock comprising about 1-2 wt. % of sulfur, but is applied to a feedstock that has first been subjected to a conventional hydrodesulfurization stage and this is in marked contradistinction to the Takahashi process is not persuasive. The examiner does not use the feedstock of Takahashi in the process of Hatanaka. As discussed above, the examiner relied upon Takahashi to teach the step of adding additive into the catalyst.

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The argument that Baird teaches away from using the traditional cobalt/molybdenum or nickel/molybdenum catalyst is not persuasive. The examiner modified the process of Baird by using the catalyst of Takahasi, which comprises Ni or Co because the catalyst of Takahashi is less expensive, simple to prepare and shows higher activity in hydrodesulfurization. (See EP-0357295 A2; page 3, lines 24-25).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam M. Nguyen whose telephone number is (571) 272-1452. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tam M. Nguyen
Examiner
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TN



6/21/05